

### REMARKS

Claims 1-41 are currently in the case. In the Election/Restriction Requirement, the Examiner required election of either: (I) Claims 1-9 and 11-41, drawn to a dilation system; and (II) Claims 10 and 42-44, drawn to a retractor, for prosecution on the merits. If Invention I is elected, the Examiner also required election of one of the following species: Species A: one elongated tubular body; Species B: two elongated tubular bodies; or Species C: three elongated tubular bodies.

Regarding the invention election, Applicants note that claims 42-44 are not directed toward a retractor but toward a method for dilation. Similarly, claims 39-41 are not directed toward a dilation system but toward a retractor. Applicants attempted to contact the Examiner by phone to clarify the invention claim grouping, but were unable to reach the Examiner. Therefore, Applicants have assumed that the Examiner intended that Invention I, drawn to a dilation system, should include claims 1-9, 11-38, and 42-44, and Invention II, drawn to a retractor, should include claims 10 and 39-41. If this is not the Examiner's intention, Applicants respectfully request that the Examiner contact the undersigned. Based on this grouping of claims, Applicants hereby elect Invention I: claims 1-9, 11-38, and 42-44. This election is made without traverse.

Regarding the species election, Application hereby elect Species C: three elongated tubular bodies. This election is also made without traverse. Notably, all claims that recite one, two, or three elongated bodies would read on a species disclosing three elongated bodies. Accordingly, claims 1-9, 11-38, and 42-44 clearly read on the elected species.

Applicants respectfully request examination of claims 1-9, 11-38, and 42-44. If there are any remaining issues preventing prompt examination and allowance of claims 1-9, 11-38, and 42-44, the Examiner is requested to contact the undersigned.

Dated this <sup>9th</sup> day of September 2008.

Respectfully submitted,

/Barbara Daniels/

---

Barbara Daniels  
Agent for Applicants  
Registration No. 60,467

MedicineLodge, Inc.  
180 South 600 West  
Logan, UT 84321  
Telephone: (435)753-7675  
Facsimile: (435)753-7698